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Attorney for Material Witnesses

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Judge William McCurine, Jr.

UNITED STATES OF AMERICA;)	CRIMINAL CASE NO: 08cr0972
)	MAGISTRATE CASE NO.:08mj0942
Plaintiff,)	
vs.)	DECLARATION OF LINDA A. KING
)	IN SUPPORT OF MATERIAL
RAMON VASQUEZ-CABRALES, et al.)	WITNESSES MOTION FOR A
)	VIDEOTAPE DEPOSITION
Defendant.)	DATE: April 29, 2008
)	TIME: 10:30 am
)	HON: William McCurine, Jr.

I the undersigned, declare as follows:

1. My name is Linda A. King, I am the attorney of record for Eduardo Reyes-Rodriguez and Ramon Torres-Silva, the Material Witnesses in the above-captioned matter. I am an attorney duly licensed to practice law in the State of California and am admitted to practice before the United States District Court for Southern District of California.

2. On March 28, 2008, I was appointed to represent the Material Witnesses in the above-captioned matter. As a Material Witness attorney, one of my primary responsibilities is to help arrange the release of the Material Witnesses from the custody of the U.S. Marshall and INS as soon as possible. To that end, I immediately conducted an interview with Material Witnesses to explain why they are being held and under what conditions they would be released. I informed

1 the Material Witnesses that the most expedient way to be released is by having a personal surety
2 post a court approved appearance bond. I explained that personal surety would have to agree to
3 sign a \$5,000.00 appearance bond, post an immigration bond, and agree to allow the Material
4 Witness to stay with the surety pending final disposition of the case. Unfortunately, the witnesses,
5 do not know anyone who lives in the State of California who is willing and able to post bonds for
6 them..

8 3. Witnesses Eduardo Reyes-Rodriguez and Ramon Torres-Silva has been in custody
9 since March 25, 2008 with little or no possibility of meeting bond requirements as he/she knows
10 no possible person who can serve as surety for them. To continue to hold them in custody creates
11 a significant hardship which can be addressed by the scheduling of a video tape deposition

13 4. The Material Witnesses understands that his presence may be needed at time of
14 trial and he is willing to return to San Diego from Mexico if and when he is needed. However, to
15 hold him in custody for what appears to be a prolonged period is creating an inhumane hardship
16 on them and their family.

18 5. I am not aware of any reason in this case why the Material Witnesses testimony can
19 not be adequately secured by deposition. Likewise, I have not been informed of any such reasons
20 by either the government or defense attorney.

22 6. The Material Witnesses are more than willing to discuss everything he knows about
23 this case with both defense and government investigators. The fact is, however, there are only a
24 few facts relevant to this case which the Material Witnesses are competent to testify: i.e. (a) his
25 citizenship, (b) who might have transported him, and (c) whether the witness agreed to pay
26 anyone. According to preliminary interviews, all of the facts relevant to this case in the Material
27 Witnesses' knowledge took place over a very short period of time.

1 7. I explained the general procedures for videotape to the witnesses, and explained
2 that if they were released after the deposition, they may have to return to testify at trial if
3 subpoenaed by the government or defendant. The witnesses indicated they are willing to return if
4 arrangement for their legal re-entry could be made and travel expenses provided.
5

6 8. The material witnesses petition the court to take their deposition and release them,
7 as they speak only Spanish. Their family is forced to suffer during their detention and they would
8 like to return home.

9 I declare under penalty of perjury that the foregoing is true and correct and that this
10 declaration was executed in San Diego, California on April 10, 2008.
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15 S/Linda A. King
16 Linda A. King
17 Attorney for Material Witness(es)
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